

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CRIMINAL CASE NO. 3:07cr211

UNITED STATES OF AMERICA,)

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vs.)

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MICHAEL D. PAHUTSKI,)

VICTORIA L. SPROUSE,)

R. MICHAEL GEE,)

GREGORY A. MASCARO,)

GREGORY D. RANKIN, a/k/a)

“Dee,” and)

JULES A. SPRINGS, a/k/a)

“Anthony Springs.”)

)

THIS MATTER is before the Court *sua sponte* to continue the trial of this case from the April 2008 term of court.

On August 29, 2007, Defendant Pahutske was charged with conspiracy to commit mail, wire and bank fraud, in violation of 18 U.S.C. §1349; conspiracy to commit money laundering, in violation of 18 U.S.C. §1956(h); and money laundering, in violation of 18 U.S.C. §1957. [Doc. 3].

On November 16, 2007, a superseding bill of indictment was filed against

Defendant Pahutski and Defendant Spouse which added substantive charges of mail fraud, aiding and abetting the same, in violation of 18 U.S.C. §§2 & 1341; false statements to a banking institution, aiding and abetting the same, in violation of 18 U.S.C. §§2 & 1014; two substantive charges of promoting money laundering, aiding and abetting the same, in violation of 18 U.S.C. §§2 & 1956; and charges of perjury and obstruction of justice as to Defendant Spouse, in violation of 18 U.S.C. §§1623 & 1503. [Doc. 10].

On March 20, 2008, the Government filed its Second Superseding Bill of Indictment which added new charges (conspiracy to defraud, in violation of 18 U.S.C. §371; obstruction of justice, in violation of 18 U.S.C. §1512; and obstruction of justice, in violation of 18 U.S.C. §1519) and four new Defendants (Gee, Mascara, Rankin and Springs). [Doc. 27]. As to each of the four new Defendants, “[u]nless the defendant consents in writing to the contrary, the trial shall not commence less than thirty days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se.” 18 U.S.C. §3161(c)(2). The newly added Defendants here have not so consented and thus, their trial may not start less than thirty days from their appearance with counsel.

In addition, because the Second Superseding Bill of Indictment added new charges to an already complicated case, the Court finds that without a continuance, counsel for all six of the Defendants would not have the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(8)(B)(iv).

A failure to continue the case would also deny counsel for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Id.

In addition, since none of the parties is in a position to adequately evaluate the propriety of entering into plea agreements, a continuance is necessary to avoid a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).

For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. §3161(h)(8)(A).

IT IS, THEREFORE, ORDERED that this case is hereby continued from the April 2008 term of court.

Signed: April 11, 2008



Martin Reidinger
United States District Judge



